

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

TENNESSEE STATE CONFERENCE OF
THE N.A.A.C.P., *et al.*,

Plaintiffs,

v.

TRE HARGETT, in his official capacity as
Secretary of State of the State of Tennessee, *et al.*,

Defendants.

LEAGUE OF WOMEN VOTERS OF
TENNESSEE, *et al.*,

Plaintiffs,

v.

TRE HARGETT, *et al.*,

Defendants.

Civil Nos. 3:19-cv-365, 3:19-cv-385
Hon. Aleta A. Trauger

STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
UNDER RULE 41(a)(1)(A)(ii) OF THE FEDERAL RULES OF CIVIL
PROCEDURE AND ORDER

WHEREAS on May 2, 2019, Governor Bill Lee signed into law House Bill 1079 / Senate Bill 971 (the “Third-Party Voter Registration Law,” or simply, the “Law”), codified at Tenn. Code. Ann. Sections 2-2-142(a)-(b) and (e)-(g), Sections 2-2-143(a)-(f), and Sections 2-19-145(a)-(f);

WHEREAS Plaintiffs Tennessee State Conference of the NAACP, Democracy Nashville-Democratic Communities, The Equity Alliance, and The Andrew Goodman Foundation challenged the Law under 42 U.S.C. § 1983 on May 2, 2019, alleging that the statute violated the First and Fourteenth Amendments;

WHEREAS Plaintiffs League of Women Voters of Tennessee, League of Women Voters of Tennessee Education Fund, American Muslim Advisory Council, Mid-South Peace & Justice Center, Memphis Central Labor Council, Rock the Vote, and HeadCount brought a separate suit under 42 U.S.C. § 1983, also alleging that the Law violated the First and Fourteenth Amendments, on May 9, 2019;

WHEREAS Plaintiffs in both cases subsequently amended their complaints to add allegations that the challenged provisions also violated the National Voter Registration Act of 1993, 52 U.S.C. §§ 20507(a)(2) and 20507(b)(1);

WHEREAS this Court granted the motion for a preliminary injunction brought by Plaintiffs League of Women Voters of Tennessee, *et al.*, on September 12, 2019;

WHEREAS this Court granted the motion for a preliminary injunction brought by Plaintiffs Tennessee State Conference of the NAACP, *et al.*, on September 13, 2019;

WHEREAS those preliminary injunctions have remained in effect at all times, and the challenged provisions of the law were never enforced;

WHEREAS in March 2020, the Tennessee Legislature enacted House Bill 2363, a copy of which is attached to this Stipulation as Exhibit 1, which the Governor signed into law on April 2, 2020;

WHEREAS the new law repeals all of the provisions of the Third Party Voter Registration Law that were challenged in these cases;

WHEREAS Plaintiffs in both cases believe that, although these cases are not technically moot as a matter of law, there nevertheless remains little purpose that would be served by further litigation, and that they have accomplished the results that they sought in bringing these cases;

NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiffs Tennessee State Conference of the NAACP; Democracy Nashville-Democratic

Communities; The Equity Alliance; The Andrew Goodman Foundation; League of Women Voters of Tennessee; League of Women Voters of Tennessee Education Fund; American Muslim Advisory Council; Mid-South Peace & Justice Center; Memphis Central Labor Council; Rock the Vote; and HeadCount, and Defendants Tre Hargett, in his official capacity as Secretary of State of the State of Tennessee; Mark Goins, in his official capacity as Coordinator of Elections for the State of Tennessee; Herbert Slatery III, in his official capacity as Attorney General of the State of Tennessee; the State Election Commission; and Donna Barrett, Judy Blackburn, Greg Duckett, Mike McDonald, Jimmy Wallace, Tom Wheeler, and Kent Younce, in their official capacities as members of the State Election Commission, as follows:

1. Plaintiffs in *Tennessee State Conference of the N.A.A.C.P. v. Hargett* (M.D. Tenn. Civil No. 3:19-cv-365), hereby voluntarily dismiss their action without prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;

2. Plaintiffs in *League of Women Voters of Tennessee v. Hargett* (M.D. Tenn. Civil No. 3:19-cv-385), hereby voluntarily dismiss their action without prejudice, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure;

3. These voluntary dismissals are without prejudice to the right of Plaintiffs in both cases to seek an award of attorneys' fees under 42 U.S.C. § 1988, and without prejudice to the right of the Defendants to oppose any award of attorneys' fees;

4. Plaintiffs shall have until December 21, 2020, in which to file their applications for attorneys' fees and costs, and Defendants shall have until January 21, 2021 within which to respond.

Dated: October 26, 2020

Respectfully submitted,

/s/ Taylor A. Cates

Taylor A. Cates, BPR No. 20006
William D. Irvine, Jr.
Burch, Porter & Johnson, PLLC
130 N. Court Avenue
Memphis, TN 38103
(901) 524-5165
tcates@bpjlaw.com
wirvine@bpjlaw.com

Ira M. Feinberg*
Hogan Lovells US LLP
390 Madison Avenue
New York, NY 10017
(212) 918-3509
irafeinberg@hoganlovells.com

Allison M. Ryan*
Carolyn A. DeLone*
Madeline Gitomer*
Kyle Druding*
Hogan Lovells US LLP
555 Thirteenth Street, NW
Washington, DC 20004
(202) 637-5600
allison.ryan@hoganlovells.com
carrie.delone@hoganlovells.com
madeline.gitomer@hoganlovells.com
kyle.druding@hoganlovells.com

Yael Bromberg*
Bromberg Law LLC
The Andrew Goodman Foundation
10 Mountainview Road
Upper Saddle River, NJ 07458
(201) 995-1808
yaelbromberglaw@gmail.com

Jon Greenbaum*
Ezra D. Rosenberg*
Julie Houk*
Pooja Chaudhuri*
Lawyers' Committee for Civil Rights Under
Law
1500 K Street, NW, Suite 900
Washington, D.C. 20005
(202) 662-8600
erosenberg@lawyerscommittee.org
ihouk@lawyerscommittee.org
nehaudhuri@lawyerscommittee.org

Attorneys for Plaintiffs in *Tennessee State
Conference of the N.A.A.C.P., et al. v.
Hargett*

/s/ Thomas H. Castelli

Thomas H. Castelli, BPR#024849
Legal Director
ACLU Foundation of Tennessee
P.O. Box 120160
Nashville, TN 37212
(615) 320-7142
tcastelli@aclu-tn.org

Sophia Lin Lakin*
Theresa J. Lee*
Davin Rosborough*
Dale E. Ho*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2500
slakin@aclu.org
tlee@aclu.org
drosborough@aclu.org
dho@aclu.org

Sarah Brannon*, **
American Civil Liberties Union Foundation
915 15th Street, 6th Floor
Washington, DC 20005
(202) 544-1681
sbrannon@aclu.org

** not admitted in DC; DC practice limited to federal court only

Danielle Lang*
Molly Danahy*
Campaign Legal Center
1101 14th Street NW, Suite 400
Washington, DC 20005
(202) 736-2200
dlang@campaignlegal.org
mdanahy@campaignlegal.org

William H. Harbison, BPR#7012
C. Dewey Branstetter, Jr. BPR#9367
Hunter C. Branstetter, BPR#32004
Sherrard Roe Voigt & Harbison
150 3rd Avenue South, Suite 1100
Nashville, TN 37301
(615) 742-4200
bharbison@srvhlaw.com
dbranstetter@srvhlaw.com
hbranstetter@srvhlaw.com

Michelle Kanter Cohen*
Cecilia Aguilera*
Jon Sherman*
Fair Elections Center
1825 K Street NW, Suite 450
Washington, DC 20006
(202) 331-0114
mkantercohen@fairelectionscenter.org
caguilera@fairelectionscenter.org
jsherman@fairelectionscenter.org

Attorneys for Plaintiffs in *League of Women Voters of Tennessee, et al. v. Hargett*

*admitted *pro hac vice*

/s/ Alexander S. Rieger
Alexander S. Rieger
Tennessee Attorney General's Office
Assistant Attorney General
Public Interest Division
War Memorial Building, 3rd Floor
P.O. Box 20207
Nashville, TN 37202
(615) 741-2408
alex.rieger@ag.tn.gov

Kelley L. Groover
Tennessee Attorney General's Office
Assistant Attorney General
Public Interest Division
War Memorial Building, 3rd Floor
P.O. Box 20207
Nashville, TN 37202
kelley.groover@ag.tn.gov
(615) 741-2408

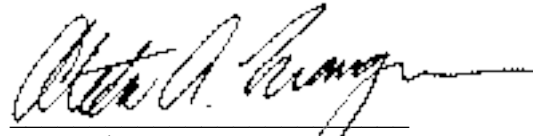
Janet M. Kleinfelter
Deputy Attorney General
Public Interest Division
P.O. Box 20207
Nashville, TN 37202
Janet.Kleinfelter@ag.tn.gov
(615) 741-7403

Andrew B. Campbell
Senior Assistant Attorney General
Public Interest Division
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, Tennessee 37202
Andrew.Campbell@ag.tn.gov
(615) 532-0356

Counsel for Defendants

IT IS SO ORDERED.

Dated: 10/26/2020, 2020


Hon. Aleta A. Trauger
United States District Judge